

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action mailed December 13, 2007. Claims 140-186 were pending and examined. This Amendment amends claim 140, leaving pending in the application claims 140-186. Applicants submit that no new subject matter has been introduced by virtue of these amendments. Reconsideration of the rejected claims is respectfully requested.

#### **35 U.S.C. §103(a) Rejection of Claims 140-186**

Claims 140-186 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fox et al. (U.S. Patent No. 5,491,629, hereinafter "Fox"). Applicants respectfully submit that Fox does not teach or suggest the features of these claims.

Embodiments of the present invention are directed to techniques for aiding users in making procurement and sourcing decisions for an enterprise. (Specification: pg. 4, lines 10-20). In one set of embodiments, internal and external data pertaining to a plurality of items is gathered from various data sources, wherein the internal data originates from within the enterprise, and wherein the external data originates from outside the enterprise. (Specification: pg. 9, line 17 – pg. 10, line 9). Internal data may include, for example, proprietary information such as supply inventories, manufacturer directories, supplier directories, accounting records, purchasing records, production schedules, transportation schedules, warehouse locations, and the like. (Specification: pg. 11, lines 1-23). External data may include, for example, data from suppliers and vendors, such as catalogs, item prices, item specifications, and the like. (Specification: pg. 12, lines 10-27).

Once the internal and external data is gathered, the internal and external data is analyzed to generate an assessment of the impact (or potential impact) of the data on procurement and/or sourcing decisions in the enterprise with respect to one or more items. (Specification: pg. 15, lines 7-13). In one embodiment, this assessment is based, at least in part, one or more user-defined parameters for the internal and/or external data. For example, a user may specify a specific value, value range, or condition for a portion of the internal and/or

external data, and thereby cause the impact assessment to be based on said value, value range, or condition. The user may also assign weights or relative weights to each user-defined parameter. In this manner, the user may determine the potential impact of various “what-if” scenarios by qualifying the inputs (*i.e.*, internal and external data) to the analysis process. (Specification: pg. 15, lines 13-25).

Based on the analysis of the internal and external data, one or more proposed actions are recommended to the user, where the one or more proposed actions relate to the procurement, sourcing, and/or strategic sourcing of at least one item on behalf of the enterprise. The one or more actions may include, or example, buying a certain quantity of an item at a certain price from a certain vendor, or selling a certain quantity of an item at a certain price to a certain buyer. (Specification: pg. 15, line 26 – pg. 16, line 13).

In various embodiments, the user is then provided with one or more computer-initiated options for fully or partially executing the one or more proposed actions. For example, the user may be provided with a user interface to automatically purchase an item from a specific vendor. (Specification: pg. 16, line 20 – pg. 17, line 10). Accordingly, embodiments of the present invention provide a full-featured system for automating both the planning and execution of activities pertaining to item procurement and sourcing.

In accordance with the above, Applicants’ independent claim 140, as amended, recites:

A method implemented on a computer system via a plurality of software modules for managing a workflow process, the method assisting a user with procurement decisions, sourcing decisions and strategic sourcing decisions in an enterprise regarding one or a plurality of items, and comprising the steps of:

discovering, via one or more of the software modules, internal and external data related to at least one item based on user-defined parameters, wherein the discovered internal and external data is extracted from a plurality of data sources internal and external to the enterprise;

storing the discovered internal and external data in a data mart;

identifying, via one or more of the software modules, one or more conditions related to the at least one item or related to procurement, sourcing, and strategic sourcing in the enterprise of the at least one item;

if at least one of the one or more conditions is satisfied, generating, via one or more of the software modules, at least one alert for the user;

analyzing, via one or more of the software modules, the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, and wherein the assessment is based, as least in part, on one or more user-defined parameters that qualify the internal or external data;

recommending to the user, via one or more of the software modules, one or more proposed actions with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise based on the analysis of the discovered internal and external data; and

providing to the user, via one or more of the software modules, one or more computers-initiated options for fully or partially executing an action in the one or more proposed actions.

(Applicants' claim 140, as amended, emphasis added).

At least the above features are not taught or suggested by Fox.

Fox is directed to a system for determining the impact of weather and other external factors on a managerial plan for a retail business. (Fox: Abstract). As described in Fox, internal retail data (*e.g.*, inventories, sales records, store traffic, *etc.*) is combined with historical weather data to generate "deweatherized data." This deweatherized data, which corresponds to a normalization of the retail data based on average weather conditions, is used as a baseline for developing a managerial plan. (Fox: col. 2, lines 14-20). Examples of managerial plans include plans for buying product, plans for distributing product, and plans for initiating advertising or promotions. (Fox: col. 2, lines 24-28). Once the managerial plan is developed, it is combined with forecast weather data to generate a weather-modified managerial plan. The weather-modified managerial plan modifies the original managerial plan to take into account the impact of the forecasted weather. (Fox: col. 12, lines 1-9).

Applicants submit that the invention of Fox is substantially different from Applicants' claim 140. For example, Fox does not teach or suggest "analyzing. . . the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the

discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, and wherein the assessment is based, as least in part, on one or more user-defined parameters that qualify the internal or external data” as recited in amended claim 140. (Emphasis added).

In the Office Action, the Examiner asserts that the feature of “analyzing. . . the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the discovered internal and external data” as recited in previously presented claim 140 is shown in Fox at col. 12, lines 1-9 and col. 14, lines 53-56. (Office Action: pg. 7). As best understood, these cited sections describe the process of generating a weather-impacted managerial plan from an initial managerial plan and forecast weather data. Thus, the Examiner apparently construes the generation of the weather-impacted managerial plan as described in Fox as corresponding to making an assessment of the impact of internal and external data (*e.g.*, the forecast weather data) as recited in Applicants’ claim 140.

Even *assuming arguendo* that the above is true, Applicants submit that Fox still fails to teach or suggest basing the assessment, at least in part, on one or more user-defined parameters that qualify the internal or external data as recited in amended claim 140. For example, nowhere does Fox disclose, or even suggest, that the weather-impacted managerial plan is created based on user-defined parameters that qualify the internal retail data within the system of Fox, or the forecast weather data. Accordingly, Fox fails to teach or suggest “analyzing. . . the discovered internal and external data, wherein an assessment is made of the impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the at least one item, and wherein the assessment is based, as least in part, on one or more user-defined parameters that qualify the internal or external data” as recited in amended claim 140. (Emphasis added).

Further, Applicants submit that Fox does not teach or suggest “recommending to the user. . . one or more proposed actions with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise based on the analysis of the discovered internal and external data; and providing to the user. . . one or more computers-

initiated options for fully or partially executing an action in the one or more proposed actions” as recited in amended claim 140. (Emphasis added).

In the Office Action, the Examiner asserts that this feature is shown in Fox because Fox teaches “the user has the option to modify the managerial plan. If the user cannot generate a managerial plan, the system then generates one.” (Office Action: pg. 8; citing Fox: col. 6, lines 32-39 and 46-50, col. 8, lines 32-46). Applicants respectfully disagree.

The cited sections of Fox describe that a user may manually develop a managerial plan based on deweatherized data, or have the system generate one. The system may also generate a weather-impacted managerial plan that includes changes to the initial managerial plan to take into account the impact of forecasted weather. Thus at best, the cited sections merely disclose recommending one or more new/altered managerial actions via the weather-impacted managerial plan. However, the cited sections make absolutely no reference to providing a user with a computer-initiated option to fully or partially executing one of the recommended actions. For example, nowhere do the cited sections disclose, or even suggest, providing the user of Fox’s system with a computer-initiated option to automatically execute an action (*e.g.*, purchase an item, transport an item, *etc.*) described in the weather-impacted managerial plan. Accordingly, Fox fails to teach or suggest “recommending to the user. . . one or more proposed actions with respect to the procurement, sourcing or strategic sourcing of the at least one item on behalf of the enterprise based on the analysis of the discovered internal and external data; and providing to the user. . . one or more computers-initiated options for fully or partially executing an action in the one or more proposed actions” as recited in amended claim 140. (Emphasis added).

For at least the foregoing reasons, Applicants submit that Fox does not render obvious Applicants’ claim 140. Applicants therefore respectfully request that the §103(a) rejection of claim 140 be withdrawn.

Claims 141-186 depend (either directly or indirectly) from independent claim 140, and are thus believed to be allowable for at least a similar rationale as discussed for claim 140, and others.

**Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification and do not add new matter.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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